

DOCKET FILED ORIGINAL

JUN 1 - 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Performance Measurements and)
Reporting Requirements)
for Operation Support Systems,)
Interconnection, and Operator Services)
and Directory Assistance)

CC Docket No. 98-56
RM-9101

ORIGINAL

To: The Commission - Mail Stop 1170

COMMENTS OF CONECTIV COMMUNICATIONS, INC.

I. Introduction and Summary.

1. Conectiv Communications, Inc. ("CCI"), a competitive local exchange carrier ("CLEC") serving subscribers in the states of Delaware, Pennsylvania, New Jersey, and Maryland, respectfully submits these Comments in response to the FCC's *Notice of Proposed Rule Making* ("Notice") in the above-captioned proceeding.^{1/} Bell Atlantic ("BA") is the incumbent local exchange carrier ("ILEC") throughout all or virtually all of CCI's service area. CCI offers these comments to inform the FCC that although CCI has both contractual and statutory rights to equivalent access to BA's Operational Support Systems ("OSS"), it did not receive such access when it started providing service under its interconnection agreement, and it still does not have access today equivalent to that available to BA's own personnel. Further, the methodology that BA uses to generate the performance reports that have been provided to CCI does not accurately reflect the inequality of service provided to CLECs. The FCC should assert full jurisdiction over

^{1/} FCC 98-72, released April 17, 1998.

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this problem rather than deferring entirely to state authorities, because of the multistate nature of the ordering process and the applicability of federal statutory provisions.^{2/}

II. Background: CCI Is a Full Service CLEC.

2. CCI owns and operates a fiber optic ring and provides services to the public on both a facilities-based and resale basis.^{3/} It serves both business and residential customers, providing local exchange and intraLATA and interLATA toll services. CCI believes that it operates more than 95% of CLEC facilities-based subscriber lines in Delaware. It is thus seriously engaged in the local exchange business.

3. CCI entered into interconnection agreements with BA for Delaware, Pennsylvania, Maryland and New Jersey in August of 1997. The four agreements have been approved by the respective State Commissions. CCI has been providing telecommunications services since November 17, 1997, in Delaware and Pennsylvania, and since mid-May of 1998 in New Jersey and Maryland.

III. CCI's Access to OSS Is Inadequate.

4. CCI's interconnection agreements include provisions for access to unbundled network elements, interconnection, and wholesale price discounts. The agreements also

^{2/} CCI's comments focus on these basic, fundamental points that require FCC intervention. CCI is a member of the Association for Local Telecommunications Services ("ALTS") and is relying on ALTS to comment on the details of the various types of reports discussed in the *Notice*.

^{3/} CCI is the telecommunications subsidiary of Conectiv, a public utility holding company which provides electric and gas utility services in Delaware, New Jersey, Maryland, and Virginia.

require BA to provide access to automated OSS interfaces. For example, BA must provide CCI with process support for ordering and provisioning that CCI needs for successful interconnection and to provision local telecommunications services. This process support must be offered to CCI in a manner that allows CCI to provision service to its own customers that is at least equal in quality to that BA provides to its own customers.

5. These contractual requirements reflect and acknowledge BA's OSS obligations under Section 251(c)(2) of the Communications Act of 1934, as amended. CCI did not negotiate away any of its statutory rights in its interconnection agreements. In other words, CCI's expectations of "equal quality" and "non-discriminatory" treatment are based on both contractual and federal statutory rights and obligations. The agreements do not spell out every detail of the OSS interfaces that CCI expects; CCI relies on regulatory proceedings and industry standards to ensure that BA meets its legal obligations.

6. When CCI first began operations, BA was either unable or unwilling to offer OSS at all, notwithstanding the language in the interconnection agreements. CCI was forced to rely on facsimile and overnight courier delivery of paper orders, which introduced both delay and error into the process and forced CCI to scale back its initial marketing plans so as not to suffer severe embarrassment and loss of goodwill among existing and potential customers.

7. Today, CCI still does not enjoy OSS interfaces equivalent to those used by BA's own personnel. The ordering interfaces in place today (including Web-GUI) are

inherently discriminatory. The current service order interfaces do not provide an application-to-application interface for CLECs. Interfaces such as the Web-GUI do not provide complete flow-through ordering for CLECs. One of the consequences of that defect is that CCI cannot place orders for its customers as easily as BA does for its own customers. If a customer calls CCI, the CCI sales representative can pull up a screen from Bell Atlantic with that customer's CPNI. However, if the customer orders service from CCI, CCI must record the nature of the order on paper and then key punch it again to create an LSR and to enter it into CCI's billing system. This multi-step process takes more time and introduces more possibility of error than the single step process available to BA's sales representatives, who can access CPNI and place an order and create a billing record on the same screen.

8. The service order interfaces also do not allow CLECs to have supervisory capabilities, including obtaining status of technicians in the field, management reports, and other information they need. That information is routinely available to BA's personnel, however, when processing orders for BA's own customers. In fact, the information is readily available to BA when processing orders for CCI's customers; but it is still not available to CCI. The lack of access to order status information puts CCI at a particular disadvantage, because CCI cannot respond to customer inquiries regarding when services will be turned up and impairs CCI's ability to instill confidence in its customers as to the company's capabilities as a telecommunications carrier.

9. Multiple-step service order processes also disadvantage CCI in placing service restoration orders in case of an outage. BA can normally restore service to a customer

in two to four hours, while a time period of 24 hours is more common for CCI customers.^{4/} In fact, BA did not commit to better than 24-hour restoration in its interconnection agreements with CCI, even though its performance for its own customers is better.

IV. The FCC Has, and Must Assert, Jurisdiction over OSS Issues.

10. The FCC has jurisdiction over, and should directly address, the failure by ILECs to provide access to automated OSS interfaces on terms and conditions that are just, reasonable, and nondiscriminatory. This is not to say that state commissions should have no authority to address this problem, because they should, to the extent they wish to act. However, the FCC should not abdicate its responsibilities to the states.

11. First, the entire ordering process is multistate in nature. CCI currently must submit orders for all four states it serves to a single location at Silver Spring, Maryland. From Silver Spring, BA personnel route the information to three Telecom Industry Services Ordering Centers ("TISOCs"), located in Pittsburgh, Pennsylvania; Silver Spring, Maryland; and Newark, New Jersey, depending on where the order is to be filled.^{5/} If the FCC does not exercise jurisdiction, who can or will? Maryland may not have jurisdiction over ordering for provisioning in other states, even if the orders are

^{4/} This time delay exists for customers where CCI resells BA's services and BA technicians must restore service. CCI recognizes that restoration time for its own facilities are its own concern, for which BA is not responsible.

^{5/} This extra step within the BA organization introduces the possibility of error and results in CCI's sometimes having to respond to queries from two different BA locations.

directed to a BA location in Maryland; and other states may not have jurisdiction over BA's order-taking operations in Maryland. Thus a federal issue clearly arises.

12. Second, the adequacy of OSS interfaces available to CLECs is a key issue in the Section 271 checklist evaluation that the FCC is statutorily obligated to perform when an RBOC requests in-region interLATA authority, as well as part of an ILEC's obligation to CLECs under Section 251. Again these are issues within the FCC's jurisdiction. All the factors taken together establish clearly that the FCC must evaluate and ensure the adequacy of CLEC access to OSS interfaces.

V. The Degree of Aggregation in Reports of OSS Performance Is Important.

13. Both excessive averaging and excessive disaggregation of statistics, as well as other aspects of reporting methodology, result in distorted pictures of how OSS interfaces are functioning in practice. The Commission should specify the degree of disaggregation of reports, as well as reporting methodology. Otherwise, discrimination may remain undiscovered.

14. For example, BA is a regional, not a single-state, carrier. It receives CCI's orders for four states at one location in Maryland. If BA reports its performance on only a state-by-state basis, then overall problems at the Maryland location, or at any one of the TISOC locations, may be masked. For example, BA could perform close to 100% in Pennsylvania, a large state, while performing at only 50% in Delaware, a smaller state; but averaged statistics for the entire TISOC might look good, masking the problem in a Delaware state proceeding. The timing of reports is also important. For example, over a period of four months, BA could generate four reports for CCI's four states that

demonstrate 100% accurate and timely order completion in each state at a given time, yet BA might still be meeting orders at only 50% accuracy and timeliness in the overall region. Thus performance of the entire TISOC should be reported for each time period.

15. There are reasons to report state-by-state statistics as well, because Section 271 checklist evaluation is performed on a state-by-state basis. In the example above, BA should not be found compliant with OSS requirements in Delaware based on averaging its performance with Pennsylvania. Thus the only way to unmask discrimination is to examine both state-by-state and regional performance.

16. In a recent state proceeding, CCI faced the problem it is describing here. The state commission in one state was conducting a hearing on service order processing. CCI was permitted to present evidence as to problems within only the host state, even though there was no indication that the order problems CCI was experiencing were specific to any one state. Problems such as unanswered or lost queries, service interrupts, and disconnects were results of the overall ordering process and not state specific. If BA's performance reports had been provided for the TISOC as a whole, CCI would have been better able to document its problems.

17. CCI recommends and urges that the FCC define clearly the nature of the data and geographic scope of reporting by ILECs, to minimize the distortion that arises from selective reporting on a single-state basis. Even then, however, both the FCC and state authorities must recognize that reporting statistics alone will not solve the underlying problems that the statistics unearth. Discriminatory practices must also be addressed directly.

VI. Requirements for Better Reporting Will Not Elevate Burden Over Benefit.

18. CCI does not believe that its proposals for better reporting will create any undue burden on ILECs. Many of the statistics and data the FCC is requiring and should require are already specified in many interconnection agreements. It should be noted, however, that on hindsight, CCI does not believe that BA intended the contract language to obligate it to provide anything other than reports they were already preparing or planning to prepare for governmental authorities; so the FCC should not rely on private agreements to keep necessary information flowing. ILECs will respond to regulatory orders long before they will agree or respond to contract terms.

19. Furthermore, many state Sec. 271 checklist proceedings will be conducted on a "fast track," because of the tight time window set forth in the Communications Act. If ILEC conduct is to be evaluated quickly, then adequate information must be readily available; and any slight additional burden that may be imposed by reporting requirements is easily offset by the benefit of enabling the FCC and states to complete their 271 tasks more promptly and effectively.

VII. Conclusion.

20. As indicated above, OSS interfaces are not adequate today, and interconnection contracts should not be relied upon to make these interfaces work properly or to produce needed performance reports. CCI faces both inadequate ordering processes and inadequate performance reporting, so that it does not have service equal in quality to that BA provides to itself, which is what it is supposed to have. The FCC

has jurisdiction over OSS performance and reporting and should exercise that jurisdiction to require improvements in both categories.

21. The operation of multi-state ordering centers by ILECs underscores the fundamentally interstate nature of the OSS problem, as does the role of OSS performance under Sec. 271 of the Communications Act.

22. The Commission should now begin to implement standards for order processing across the industry. In addition, CCI urges the Commission to set a time-frame for incumbent LECs such as BA to provide industry standard application-to-application interfaces with flow-through capability for ordering and provisioning and not just the performance reporting and measures outlined in the *Notice*.

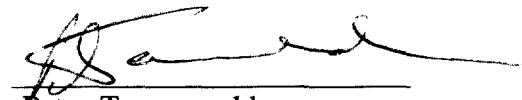
23. The current interfaces BA has in place are discriminatory by their very nature, no matter how good BA's reported statistics may become. CLECs such as CCI do not have the same "freedom of access" to their customers that BA has to its own customers. Further, the performance measures and reporting outlined in the *Notice* are not sufficient to determine that an ordering interface is not discriminatory. Improvements are urgently needed, so that CLECs do not teeter constantly on the brink of a service ordering "train wreck." In the end, the timeliness and accuracy of order processing is

at BA's discretion more than a function of today's system technology. To give their customers parity, CLECs need real-time electronic access to data, systems and transactions of their customers, just as the ILECs enjoy for themselves.

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June 1, 1998

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